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Washington, D.C. 20037

In re Application of :
BEKANICH et al. :
U.S. Application No.: 10/527,092 : DECISION ON PETITION
PCT No.: PCT/US04/23518 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 23 July 2004 :
Priority Date: 23 July 2003 :
Attorney Docket No.: B6225.0001/P0001 :
For: AIRTIME CONTACT MANAGER :
:

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 12 September 2006 to accept the application without the signature of joint-inventor, Joseph A. Bekanich.

BACKGROUND

On 23 July 2004, applicants filed international application PCT/US04/23518 which claimed a priority date of 23 July 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 January 2006.

On 09 March 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an information disclosure statement.

On 29 July 2005, applicant was mailed a "Notification of Missing Requirements under 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 07 November 2005, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 28 February 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 28 April 2006, applicant filed a renewed petition under 37 CFR 1.47(a). In a decision dated 12 July 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 12 September 2006, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor.

A review of the papers filed 07 November 2005, 28 April 2006 and 12 September 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Joseph A. Bekenich) refused to sign, stated the last known address of the non-signing inventor (Joseph A. Bekenich), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

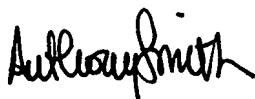
CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 23 July 2004 under 35 U.S.C. 363, and a date of **12 September 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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